

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANNY HORNE, :
:

Plaintiff, :
:

21-CV-2630 (JMF)

-v- :
:

ORDER

CYNTHIA BRANN, PATSY YANG, and MARGARET :
EGAN, :
:

Defendants. :
:
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JESSE M. FURMAN, United States District Judge:

On November 22, 2021, Plaintiff submitted an application for counsel. *See* ECF No. 22. In determining whether to grant an application for counsel, the Court must consider “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.” *Cooper v. A. Sargenti Co., Inc.*, 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for counsel Plaintiff must demonstrate that his claim has substance or a likelihood of success. *See Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986). In reviewing a request for counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant a request for counsel indiscriminately. *Cooper*, 877 F.2d at 172.

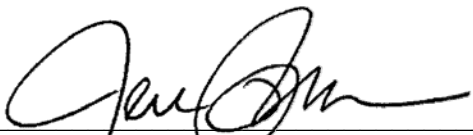
A more fully developed record will be necessary before it can be determined whether Plaintiff’s chances of success warrant his request for counsel. Accordingly, it is hereby ORDERED that plaintiff’s November 22, 2021 application for of counsel is denied without

prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

The Clerk of the Court is directed to terminate ECF No. 22 and to mail a copy of this Order to the Plaintiff.

SO ORDERED.

Dated: December 13, 2021
New York, New York



JESSE M. FURMAN
United States District Judge